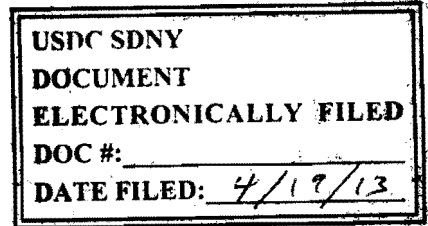


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



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CHESAPEAKE ENERGY CORPORATION,

Plaintiff,

-v-

THE BANK OF NEW YORK MELLON TRUST
COMPANY, N.A.,

Defendant.
-----X

13 Civ. 1582 (PAE)

ORDER

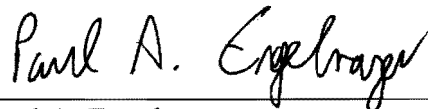
PAUL A. ENGELMAYER, District Judge:

The Court has reviewed the letters submitted late on April 18, 2013, from defendant The Bank of New York Mellon Trust Company, N.A. (“BNY Mellon”), and from plaintiff Chesapeake Energy Corp. (“Chesapeake”) regarding Chesapeake’s confidentiality designations. BNY Mellon expresses the concern that Chesapeake has designated, on a blanket basis, entire deposition transcripts and exhibits as “Confidential” and will thereby force BNY Mellon to make significant portions of future filings under seal. Chesapeake responds that it intends promptly to de-designate information not properly termed confidential.

The Court reminds counsel that blanket confidentiality designations are not appropriate. Further, in light of the importance of public access to judicial documents, the Court expects that any attempts to claim confidentiality as to documents or deposition excerpts that may be referenced in the parties’ legal submissions to the Court due the evening of Sunday, April 21, 2013, to be tailored to a genuine interest in confidentiality. *See Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 100, 119–21 (2d Cir. 2006). The Court asks that the parties identify to each

other (1) by 5 p.m. today, April 19, 2013, any documents as to which it will seek confidentiality protection; and (2) by 10 a.m. Sunday, April 21, 2013, any deposition excerpts as to which it will claim such protection. That said, the Court recognizes the practical challenges presented by the highly expedited discovery that has occurred and continues to occur in this case. The Court accordingly expects counsel also to respect confidentiality designations made by its adversary after those deadlines.

SO ORDERED.

A handwritten signature in black ink, reading "Paul A. Engelmayer". The signature is written in a cursive style with a horizontal line underneath it.

Paul A. Engelmayer
United States District Judge

Dated: April 19, 2013
New York, New York